

ORDINANCE NO. G-08-11-13-11C15

AN ORDINANCE AMENDING CHAPTER 11, SECTIONS 11.410, 11.411, 11.423 AND 11.502, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING DAY CARE FACILITIES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 11, Section 11.410(2), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended by adding a new subsection (c) which shall read as follows:

11.410 C-2 (LOCAL COMMERCIAL) DISTRICT

(2) Permitted Uses

- (c) The following uses are permitted subject to Special Exception criteria and approval by the Zoning Board of Adjustment:

Use
Day care facilities over 10,000 square feet with frontage on a designated arterial roadway.

II.

That Chapter 11, Section 11.411(2), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended by adding a new subsection (c) which shall read as follows:

11.411 OF (OFFICE) DISTRICT

(2) Permitted Uses

- (c) The following uses are permitted subject to Special Exception criteria and approval by the Zoning Board of Adjustment:

Use
Day care facilities over 10,000 square feet with frontage on a designated arterial roadway.

III.

That Chapter 11, Section 11.423, Subsection (8), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

(8) Day Care

A day care facility shall be permitted, subject to the following conditions, in addition to the general development standards applicable in the districts.

- (a) All day care facilities shall meet the minimum state requirements for such facilities.
- (b) Day care facilities located in C-2 and OF districts that do not have frontage on a designated arterial roadway may not exceed 5,000 square feet. All day care facilities located in C-2 and OF districts shall meet following requirements as required for the size of the facility:
 - (i) All day care facilities regardless of size shall provide a 25-foot unencumbered landscape buffer along property lines that adjoin existing or planned single or two family homes. However, this increased buffer shall not be required if the outdoor play/instruction area is located adjacent to a principal building elevation that is the furthest away from the single or two family lots.
 - (ii) All day care facilities less than 7,500 square feet shall provide a masonry fence at least six feet in height along property lines that adjoin existing or planned single or two family homes with a residential zoning designation.
 - (iii) All day care facilities that exceed 7,500 square feet shall provide a masonry fence at least eight feet in height along property lines that adjoin existing or planned single or two family homes.
 - (iv) All day care facilities that exceed 7,500 square feet shall submit a Traffic Impact Analysis (TIA) for review and approval by the Transportation Division. The TIA shall address the projected traffic impacts to the surrounding neighborhood and how these impacts will be mitigated. This TIA is required regardless of whether or not the proposed facility generates at least 100 trips during the peak hour.
 - (v) All day care facilities 10,000 square feet and larger shall require Special Exception approval by the Zoning Board of Adjustment (ZBA) and shall meet the aforementioned standards.

IV.

That Chapter 11, Section 11.502, Subsection (2), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

(2) Off-Street Parking Requirements

(a) Off-Street Parking Requirements Table

Off-Street Parking Requirements		
Use	General Requirement	Additional Requirement
<i>Public and Civic Uses</i>		
Day Care	3.5 per 1000 ft2 GFA	Vehicle stacking spaces included in any student drop-off area may qualify as permitted parking spaces provided the drop-off area meets the specifications described in (11.502.8.e) below.

V.

That Chapter 11, Section 11.502, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended by adding a new subsection 8(e)(iii) which shall read as follows:

(8) Parking Space and Parking Lot Design

(e) Access and Circulation

- (iii) Site Plans for day care facilities must designate a student drop-off area. The drop-off area shall be separated from all internal drive aisles by a physical barrier such as a median, curbing, a building or other similar site improvements, and shall not impede on or off-site traffic movements including access for emergency vehicles. Each stacking space shall be a minimum of 10 feet by 20 feet.

VI.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 13th day of November, 2008.

Alternative 2.

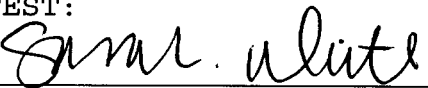
READ and APPROVED on first reading this the ____ day of _____, 2008.

READ, APPROVED and ADOPTED on second reading this the ____ day of _____, 2008.



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Secretary

DATE: November 6, 2008

SUBJECT: City Council Meeting – November 13, 2008

ITEM: 11C15. Consider an ordinance amending Chapter 11, Sections 11.410, 11.411, 11.423, 11.502, Code of Ordinances (1995 Edition), regarding Day Care Facilities. (First Reading)

Department: Planning and Community Development

Staff Person: Jim Stendebach, Planning and Community Development Director

Justification:

Amendment #1: Remove square footage limitations for daycare centers located on arterial roadways in the C-2 (local commercial) and OF (Office) zoning districts

Currently, the Zoning Ordinance establishes two square footage limitations for daycare centers in the C-2 and OF zoning districts. The first limits centers with frontage on roadways *other than arterial roadways* to 5,000 square feet. There is no proposed amendment concerning this limitation.

The second limits daycare centers with greater than 50% lot frontage on arterial roadways to no more than 7,500 square feet. This amendment provides the opportunity for day care facilities larger than 7,500 square feet if certain standards are met. The goal of these standards is to ensure that the larger facilities maintain neighborhood compatibility. These standards are as follows:

- Day care facilities shall have a 25-foot landscape buffer unless the play area is located on the opposite side of the building from residential areas.
- Day cares facilities less than 7,500 square feet shall provide a six-foot masonry fence next to residential areas.
- Day care facilities larger than 7,500 square feet shall provide an eight-foot masonry fence next to residential areas.
- Day care facilities larger than 7,500 square feet shall mitigate traffic impacts through the Traffic Impact Analysis (TIA) process.
- Day care facilities 10,000 square feet and larger shall meet all above criteria and receive a Special Exception from the ZBA.

Amendment #2: Amend the existing parking standards for daycare centers in districts where daycare is currently permitted and specify requirements for student drop-off areas

Currently, the Zoning Ordinance requires one parking space per eight pupils at the daycare center. Since attendance is constantly changing, it is impossible to ensure that parking adequately serves the center at any given time. Staff proposes to modify the standard to reflect the recommended Institute of Traffic Engineers (ITE) standard which is 3.5 spaces per 1000 GFA (gross floor area). This standard is based on a study of parking requirements at 37 daycare centers.

Vehicle stacking spaces included in any drop-off area may qualify as permitted parking spaces provided the drop-off area meets the specifications described in the ordinance. The intent of this provision is to limit required parking for centers that incorporate a well-designed drop-off area.

Funding:

Cost: N/A

Source of funds: N/A

Outside Resources: N/A

Background Information:

Currently, the City has received interest from different parties regarding the development of day care facilities larger than 7,500 square feet in the C-2 and OF zoning districts. After analyzing this prospect, it is staff's professional opinion that when property fronts onto an arterial roadway, the existing limitation is unnecessarily restrictive and may result in unintended consequences. Principally, the market trend is demanding larger facilities. Additionally, staff believes it is important to have this use in close proximity to residential areas. However, if this provision was not amended, it is likely that these facilities would begin to develop in other zoning districts that provide the opportunity. Zoning districts that currently allow larger facilities are typically located a further distance from neighborhoods. As a result, longer vehicle trips would be needed to utilize this daily service. Therefore, staff believes it is prudent to allow larger day facilities in these areas, but require additional standards that ensure neighborhood compatibility. The requirement for a special exception for daycare centers over 10,000 square feet includes a public hearing to ensure the affected neighborhood is fully informed when large facilities are proposed.

Public Comment: N/A